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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAMIEN REESE,

 Petitioner,

 v.

JAMES DZURENDA, et al.,

 Respondents.

Case No. 2:19-cv-01267-RFB-DJA

ORDER

Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). However, petitioner has submitted an incomplete application to proceed *in forma pauperis*. He has failed to include a signed financial certificate or inmate account statements. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

Thus, the present action will be dismissed without prejudice to the filing of a new petition in a new action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

It does not appear from the papers presented that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a new action filed in a timely manner after petitioner has exhausted all available state remedies. Petitioner at all times remains responsible for properly exhausting his claims, for calculating the running of the federal limitation period as applied to his case, and for properly commencing a timely-filed federal habeas action.

1 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice
2 to the filing of a new petition in a new action with either a properly completed application
3 form to proceed *in forma pauperis* or the \$5.00 filing fee.

4 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as
5 jurists of reason would not find the court's dismissal of this improperly commenced
6 action without prejudice to be debatable or incorrect.

7 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each
8 of an application form to proceed *in forma pauperis* for incarcerated persons and a
9 noncapital Section 2254 habeas petition form, one copy of the instructions for each
10 form, and a copy of the papers that he submitted in this action.

11 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
12 and close this case.

13 DATED: August 19, 2019.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE